

## **NOTICE OF INTENT**

### **Department of State Elections Division**

Registrars of Voters  
(LAC 31:II.Chapter 1)

Under the authority of R.S. 18:18, R.S. 18:31, R.S. 18:53, R.S. 18:55, R.S. 18:59, R.S. 36:742, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of state hereby gives notice of his intent to adopt uniform rules and regulations for the following: procedures for registrars of voters to use in the conduct of their office and the entry of data on the statewide voter registration system; adopt uniform fee schedules for the department to charge for the procurement of statewide voter registration lists; procedures for merit evaluations of unclassified employees; professional review committee; procedures for annual expenditure report; and procedures for the removal of a registrar of voters by the state board of election supervisors.

### **Title 31 ELECTIONS Part II. Voter Registration**

#### **Chapter 1. Registrars of Voters**

##### **§101. ERIN Manual**

A. The Department of State operates a statewide voter registration computer system for the registration of voters throughout the state, the Elections and Registration Information Network, commonly referred to as “ERIN”.

B. The secretary of state shall provide all registrars of voters with an ERIN Manual to be utilized with respect to the statewide voter registration computer system. This manual shall establish procedures with respect to all records, data, and information required for the registration of voters and the transfer of information to the department. All registrars of voters shall utilize this manual to ensure the proper registration of voters. A uniform cost for the preparation of lists of registered voters shall be included in the user manual. Any updates of the manual provided by the department to the registrars of voters shall be incorporated into the manual by each registrar of voters.

C. The ERIN Manual shall be submitted to the Committee on House and Governmental Affairs and the Senate and Governmental Affairs Committee for informational purposes. Both committees shall be kept informed of any changes to the manual.

D. Copies of the ERIN Manual can be viewed at the Department of State, Elections Program, Broadwing Building, First Floor, 8549 United Plaza, Baton Rouge, LA or at each office of the registrar of voters throughout the state, or at the Office of the State Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:31, and R.S. 36:742.

33: HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR

### §103. Sale of Voter Registration Lists

A. The Department of State generates voter registration lists through ERIN and establishes guidelines that shall be provided to the registrars of voters for the sale of voter registration lists to the general public.

B. Voter registration lists can either be requested through the department's website [www.GeauxVote.com](http://www.GeauxVote.com) or through a registrar of voter's office. All lists must be paid for in advance based upon an estimate provided by either the department or registrar of voters to the client. Payment shall either be given to the department or the registrar of voter's office. If the registrar of voter's office receives the payment, the registrar shall fax a copy of the check to the department and mail the check to the department within 48 hours. Checks and money orders made payable to the Department of State are the only acceptable forms of payment.

C. The department hereby establishes the cost schedules detailed below for the sale of voter registration lists:

#### 1. Hardcopy Lists

Number of Voters	Cost
1 – 2,000 voters	\$35
2,001 +	\$0.0175 x number of voters, not to exceed \$5,000
(If the total number of voters is less than 2,001, the minimum charge of \$35 plus \$7.50 delivery applies.) Each additional copy of a list would cost one-half the cost of the original list, plus the delivery charge.	

a. This list can be requested without districts and shall contain the following information: parish, registration number, ward, precinct, name, party, year of birth, sex, race, last-vote-date, residence, and mailing addresses. If requested, the list will provide telephone numbers.

b. This list can be requested with districts and shall contain the same information above plus the following information: congressional, senatorial, representative, police jury/council, justice of the peace, school board, city district, district court, public service commission, board of elementary and secondary education, tax ward district, and eight special districts. If requested, the list will provide telephone numbers.

#### 2. Mailing Labels (24 labels on a page)

Number of Voters	Cost
1 – 2,000 voters	\$40
2,001 +	\$0.02 x number of voters, not to exceed \$5,000
(If the total number of voters is less than 2,001, the minimum charge of \$40 plus \$7.50 delivery applies.) Each additional page of labels would cost \$0.02 times the number of voters, plus the delivery charge.	

a. These labels may be ordered with the following information:

- voters name and mailing address only; or
- voters name, mailing address, ward and precinct.

#### 3. CD-ROM

Number of Voters	Cost
1 - 2,000	\$20

Number of Voters	Cost
2,001 +	\$0.01 x number of voters, not to exceed \$5,000
(If the total number of voters is less than 2,000, the minimum charge of \$20 plus \$7.50 deliver applies.) Each additional copy of the CD-Rom would cost one-fourth the cost of original, plus the delivery charge.	

- a. Data on the CD is in text format.
- b. The CD-Rom shall provide the following information: parish, name, ward, precinct, party, residence and mailing addresses, sex, race, year of birth, status, registration date, registration number, last 20 dates voted, and all district information.
- c. If requested, the telephone number will be provided.

#### 4. Electronic Mail

Number of Voters	Cost
1 - 2,000	\$20
2,001 +	\$0.01 x number of voters, not to exceed \$5,000
(If the total number of voters is less than 2,000, the minimum charge of \$20 applies. There is no delivery charge for electronic mail.)	

- a. Data submitted through electronic mail shall be in text format.
- b. The electronic mail transmittal shall provide the following information: parish, name, ward, precinct, party, residence and mailing addresses, sex, race, year of birth, status, registration date, registration number, last 20 dates voted, and all district information.
- c. If requested, the telephone number will be provided.

5. Delivery. The cost for courier service shall be \$7.50 per job, except for jobs picked up or mailed electronically.

6. Special Requests. The prices above apply to requests using the standard criteria. A \$100 per hour programming charge will be added for any "special request." Registrars of voters must check with the information technology section of the department prior to agreeing to a request that does not conform to the standard criteria.

D. The client shall review the list immediately upon receipt. If there is a problem with the list, the client must immediately notify the department or registrar of voters. If the client has a valid reason for seeking a new list or getting a refund, they have seven days to return the original voter registration list to the department or registrar of voters to receive a new list or a refund. If the original list has been reproduced, no refund will be issued and a new list will be subject to the appropriate costs. If the reasoning is determined to be justifiable by the department, a new list will be provided or a refund issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:31, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

### §105. Merit Evaluation of the Registrar of Voters

A. The secretary of state hereby designates the Director of NVRA, commonly referred to as the Director of Registration, in the Department of State to perform the annual evaluation of parish registrars of voters, subject to approval by the commissioner of elections.

B. Annually, the secretary or his designee shall prepare written instructions and forms which shall be submitted to the registrars of voters no later than November 1 for their evaluations. The form shall include mandated duties, non-mandated duties, and extended duties.

C. The parish registrar of voters will have until December 15 to submit his completed form with supporting documentation to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:55, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§107. Merit Evaluations of the Chief Deputy and Confidential Assistant**

A. The parish registrar of voters shall perform the annual evaluation of the chief deputy and confidential assistant.

B. Annually, the secretary or his designee shall prepare written instructions and forms which shall be submitted to the registrars of voters for reviewing the chief deputy and confidential assistant's performance no later than November 1.

C. The parish registrar of voters shall be responsible for evaluating his chief deputy and confidential assistant. These evaluations shall be submitted to the department no later than December 15 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 18:59, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§109. Professional Review Committee**

A. The commissioner of elections shall submit a formal notification to the Professional Review Committee of the Louisiana Registrar of Voters Association of any registrar of voters who does not perform a mandated duty as defined by the annual performance evaluation form.

B. The Professional Review Committee shall investigate the matter and submit a copy of its findings to the Board of Directors of the Louisiana Registrar of Voters Association. The Board of Directors shall submit a written copy of the findings and any recommended corrective action to the commissioner of elections and the secretary of state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§111. Annual Expenditure Report to Parish Governing Authority**

A. Annually, the secretary of state shall provide each parish registrar of voters with an expenditure summary report for all expenses paid by the state on behalf of each registrar of voters. The report shall be mailed out by the department no later than January 31. This information should be combined with expenses paid by the parish police jury into a consolidated report. This report must be submitted annually by the registrar of voters to the parish governing authority and parish clerk of court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 36:742, and R.S. 42:283.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

#### **§113. Removal of Registrar of Voters for Cause**

A. A proceeding for the removal of a registrar shall be commenced by the state board of election supervisors upon the receipt of a resolution from a parish governing authority which includes the following information:

1. accusations of willful misconduct relating to the registrar's official duty, or willful and persistent failure to perform his duties, or persistent public conduct prejudicial to the administration of the laws relative to the registration of voters that brings the office into disrepute, or conviction of a felony; and

2. favorable adoption of the resolution by at least two-thirds of the membership of the parish governing authority.

B. A proceeding for the removal of a registrar may be commenced by the state board of election supervisors upon the written complaint filed with the state board of election supervisors by one or more natural persons of legal age who reside within the parish served by the registrar whose removal is sought, which complaint includes the following information:

1. the name and mailing address of each complainant;

2. the name of the registrar whose removal is sought and the parish he serves;

3. reference to the specific grounds for removal as set out in R.S. 18:53, upon which the complaint is based;

4. a full statement of the facts, commissions or omissions upon which the complaint is based, including the names of persons, dates, places and circumstances, so as to fully inform the registrar as to the factual basis for the complaint. No evidence of any fact not alleged in the complaint shall be brought before the board during the hearing;

5. a clear statement that the complainant is seeking the removal of the registrar from office; and

6. signed by each complainant and verified under oath before a notary or two witnesses.

C. The original resolution or complaint shall be filed with the chairman of the state board of election supervisors by personal delivery to his office, or by regular or certified mail. The parish governing authority or complainant shall also mail a copy of the resolution or complaint to the accused registrar by certified mail, return receipt requested with restricted delivery to addressee only.

D. Upon receipt of the resolution or complaint, the chairman of the board shall examine each resolution or complaint and may reject the resolution or complaint for filing if he finds that it fails to state a cause of action for removal pursuant to R.S. 18:53 or fails to comply with the filing requirements herein. If the chairman rejects the filing of the resolution or complaint, he shall notify the board, the parish governing authority or complainant and the registrar accordingly. If the chairman accepts the filing of the resolution or complaint, he shall notify the board, the registrar, and either the parish governing authority or the complainant of the scheduled hearing date, time and place, to be set no later than 30 days from receipt of the complaint. All notices to the registrar and parish governing authority or complainant shall be by certified mail return receipt requested with restricted delivery. The notice of hearing shall be in compliance with the provisions of R.S. 49:955.

E. If the chairman rejects the filing of the resolution or complaint, the parish governing authority or complainant may amend the resolution or complaint to state a claim within 10 days of notification of the rejection of the filing. If the parish governing authority or complainant fails to file an amended resolution or complaint within the time allowed, the chairman of the board shall dismiss the resolution or complaint.

F. The board may consolidate complaints if they relate to common issues or to the same actions or events.

G. The board shall compile and maintain an official record in connection with each resolution or complaint, containing at a minimum a copy of the following:

1. the resolution or complaint, and any board authorized amendments;
2. any written submissions by the parish governing authority, respondent(s), or other interested persons, including any responses authorized by the board;
3. a written report of any investigation conducted or commissioned by the board;
4. copies of all notices and correspondence to or from the board in connection with the resolution or complaint;
5. originals or copies of any tangible evidence produced at any hearing conducted pursuant to these rules;
6. original tape recording produced at any hearing conducted pursuant to these rules and a copy of any hearing transcript; and
7. a copy of any final decision issued by the board.

H. The respondent registrar may file a written answer to the resolution or complaint, notarized or witnessed as provided for herein, prior to the hearing wherein he may admit or deny specifically each of the allegations of the resolution or complaint, and otherwise answer to the resolution or complaint. The board for good cause shown may allow an extension of the time period for answering, if requested by the respondent.

I. Postponements or continuances of any hearing are subject to board approval.

J. Either party or the board, at their cost, may order copies of the transcription of the testimony using the state's uniform fee schedule for copies of public records.

K. The hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act. A complainant, respondent, or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

L. The board shall render its decision within 10 days after the hearing. All decisions shall comply with the requirements of R.S. 49:958.

M. A rehearing may be requested within 10 days from the date of the board's written decision on the grounds listed in R.S. 49:959, and if requested timely, the board shall follow the procedures for rehearing in accordance with R.S. 49:959.

N. If the respondent registrar requests a rehearing, the decision upon rehearing, or denial thereof, shall become final 30 days after the mailing date shown thereon, unless the registrar files a petition for judicial review by trial de novo in the Nineteenth Judicial District Court before the expiration of the 30 day period.

O. All filings and correspondence shall be addressed to: State Board of Election Supervisors, Secretary of State, Department of State, Box 94125, Baton Rouge, LA 70804-9125.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18, R.S. 36:742 and R.S. 18:53.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

### **§115. Repeal Prior Rules and Regulations**

A. All previously adopted rules promulgated by the Department of State and the Department of Elections and Registration regarding registrars of voters and the ERIN Manual are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 33:

### **Family Impact Statement**

The proposed Rule LAC 31:II, Chapter 1 regarding registrars of voters should not have any known or foreseeable impact on any family as defined by R.S. 49:972D or on family formation, stability, and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; and
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

Copies of the ERIN Manual may be viewed at the Office of State Register (Claiborne Building, 1201 N. Third St., Suite 3-220, Baton Rouge, LA) or at the Department of State (Broadwing Building, Elections Division, 8549 United Plaza Blvd., Baton Rouge, LA). Interested persons may submit written comments to Angie Rogers LaPlace, Commissioner of Elections, Department of State, P. O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, July 25, 2007 at 10:00 a.m. in the Broadwing Building, Auditorium, First Floor at the rear of the building, 8549 United Plaza Blvd., Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing. The deadline for the department to receive written comments is 4:30 p.m. on July 26, 2007 after the public hearing.

Jay Dardenne  
Secretary of State